REMARKS

Claims 1, 5, 8-19, 22 and 30 are pending. Claims 2-4, 20, 21, 23-29 and 31-34 were previously cancelled without prejudice. Claims 6 and 7 are cancelled herein without prejudice. Claim 1 is amended herein. Claim 30 is amended simply to correct the spelling of Crohn's disease. New claims 35 and 36 are added. The amendments and new claims add no new matter.

Response to Species Requirements:

The Office Action requires election of species for Groups I-V. In order to comply with the election requirement, Applicants hereby ELECT the following species, with traverse:

I. Positive angiogenic regulators: Applicants ELECT bFGF;

II. Negative angiogenic regulators: Applicants ELECT PF4;

III. Tumor suppressor genes: Applicants ELECT BRCA1;

IV. Forms of Cancer: Applicants ELECT breast cancer;

V. Angiogenic diseases/disorders: Applicants ELECT cancer.

Applicants object to the Office Action's analysis with regard to the lack of a single general inventive concept or special technical features that link the noted species. While the statements with respect to differences between individual angiogenic regulators and individual types of cancer are not necessarily incorrect, the focus of the inquiry is incorrect and leads to an erroneous conclusion. Specifically, by focusing on the properties of individual factors, outside the context of the instant claims, the Office Action misses the characteristic that each of the recited regulators of groups I and II, for example, is an angiogenic regulatory factor – the special technical feature is in plain view and was actually *recited* in the original claims. The possibility, noted in the Office Action, that these factors may or may not have other activities, in no way abrogates the common feature that *each* is a demonstrated regulator of angiogenesis.

Similarly, by focusing on the differences in, e.g., types of cancer of Group IV, rather than the unifying aspect discovered by the instant inventors and described in the present specification,

i.e., that each type of cancer is an angiogenic disease *and* causes a change in the level of angiogenic regulators detectable in platelets, an incorrect conclusion is reached with regard to common inventive concept. The possibilities that different types of cancer "originate from different types of cells having different mutations from one another, are not necessarily susceptible to the same treatments as one another, and they are very different from one another in terms of survival time" is simply irrelevant to the claimed invention, which provides *diagnostic - not treatment -* methods, and which recognize a common feature in the effect of such cancers on platelet levels of angiogenic regulators. It is simply not relevant to the claimed invention to focus on aspects, such as origin of the tumor, susceptibility to treatment or survival time, that have nothing to do with the *diagnosis* of angiogenic disease or, more specifically, cancer. The same is true with respect to the tumor suppressor genes of Group III – the Office Action focuses on the idea that the different tumor suppressor genes "have different functions and lead to different types of cancer." Again, as recognized by the inventors, and as described in the specification, many types of cancer involve a change in the level of angiogenic regulators detectable in platelets. Re-consideration and withdrawal of the species election requirements is respectfully requested.

Claim Amendments and New Claims:

In order to better reflect that which Applicants see as the invention, Applicants have amended claim 1 herein to require analyzing platelets at first and second time points for the level of angiogenic regulator PF-4.

Applicants note that the claims as amended do not recite analyzing platelets for "at least one positive or at least one negative angiogenic regulator," but are limited to the analysis of "PF-4 (e.g., claim 1 as amended) or PF-4 and "at least one additional angiogenic regulator" (e.g., new claim 35; new dependent claim 36 specifies such additional angiogenic regulators). In view of the amendment and the content of the new claims, the species election requirement for a "positive angiogenic regulator" and a "negative angiogenic regulator" is moot. However, to the extent that it may continue to be deemed necessary (and mindful of the discussion above with regard to the incorrect focus of the common inventive concept analysis), the species bFGF (positive angiogenic regulator) and PF-4 (negative angiogenic regulator) have been elected

Applicants submit that in view of the above, all issues raised in the Office Action have been addressed herein. Entry and consideration of the amendments and new claims is respectfully requested.

Respectfully submitted:

Date: December 13, 2007

/Mark J. FitzGerald/
David S. Resnick (Reg. No. 34,235)
Mark J. FitzGerald (Reg. No. 45,928)
Attorneys for Applicant
NIXON PEABODY LLP
100 Summer Street
Boston, MA 02110-2131
(617) 345- 6057 / 1058 (Ph)
(617) 345-1300 (Fax)